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16 ZYNGA GAME NETWORK, INC.

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 SAN FRANCISCO DIVISION

20 ZYNGA GAME NETWORK, INC.

21 CASE NO. CV-09:5301 JSW

22 Plaintiff,

23 **[PROPOSED] ORDER GRANTING LEAVE**
24 **TO CONDUCT THIRD PARTY**
25 **DISCOVERY**

26 v.

27 JOHN DOES 1-5 D/B/A CHIPSSTORE.COM,

28 AS MODIFIED HEREIN

Defendants.

1 The Court, having considered Plaintiff Zynga Game Network, Inc.’s (“Zynga’s”) Motion for
2 Leave to Conduct Third Party Discovery (“Motion”), the supporting declaration of Sean Hanley, and
3 the pleadings on file in this matter, hereby GRANTS Zynga’s Motion.

4 Zynga is hereby authorized to issue a subpoena to 1&1 Internet Inc. for the production of all
5 billing and account records (including all Internet domain names), server logs, contact information,
6 transaction histories and correspondence with the persons or entities that have purchased services
7 from 1&1 Internet Inc. in connection with the Internet domain name CHIPSSTORE.COM.

8 Zynga is hereby authorized to issue a subpoena to Plimus Corporation, Inc. for the
9 production of all billing and account records, server logs, contact information, transaction histories
10 and correspondence with the persons or entities that have purchased services from Plimus
11 Corporation, Inc. in connection with the Internet domain name CHIPSSTORE.COM.

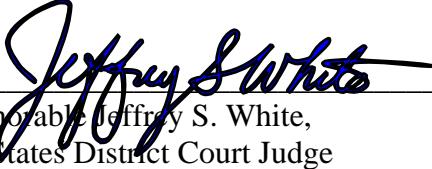
12 Zynga is hereby authorized to issue a subpoena to PayPal, Inc. for the production of all
13 billing and account records, server logs, contact information, transaction histories and
14 correspondence with the persons or entities that have established accounts with PayPal, Inc. using
15 either or both of the email addresses chipsstore@live.com and chipsstore.contact@yahoo.com.
16 Zynga is further authorized to issue follow-up subpoenas to PayPal, Inc. for the above-identified
17 documents relating to the persons or entities that have established accounts with PayPal, Inc. using
18 any additional email address that is identified to Zynga in production from 1&1 Internet Inc. or
19 Plimus Corporation, Inc. as being used by Defendants.

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1 Because Zynga has not yet identified or located Defendants, Zynga may serve the subpoenas
2 pursuant to this Order without complying with the requirement of Federal Rule of Civil Procedure
3 45(b)(1) that it provide notice to Defendant prior to serving the subpoenas.

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5 IT IS SO ORDERED.
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7 ENTERED THIS 4th DAY OF December, 2009

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9 
10 The Honorable Jeffrey S. White,
United States District Court Judge

11 Although Plaintiff contends it should be excused from service
12 requirements because it cannot reliably identify the Defendants, the
13 exhibits to the Hanley Declaration demonstrate that it has an email address
14 for chipsstore.com. Accordingly, absent a further showing as to why the
15 subpoenas should be served on an *ex parte* basis, Plaintiff shall at the very
16 least provide a copy to Defendants via the email address listed in Exhibit
17 4.

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